

MARY D. WILSON,
Plaintiff,
v.
STATE OF MONTANA, et al.,
Defendants.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 18-cv-07231-HSG

**ORDER DECLINING TO ADOPT
MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND
DENYING MOTIONS FOR
RECONSIDERATION**

Re: Dkt. Nos. 9, 10, 15

On December 11, 2018, Magistrate Judge Ryu denied Plaintiff Mary Wilson's application to proceed in forma pauperis and ordered Plaintiff to pay the \$400 filing fee on or before December 28, 2018. Dkt. No. 7. Plaintiff had additionally moved to seal the case. Dkt. No. 4. Judge Freeman denied Plaintiff's motion to seal on November 27, 2018, and Plaintiff filed a motion for reconsideration of Judge Freeman's order on December 28, 2018. Dkt. Nos. 5, 9.

Magistrate Judge Ryu's Report and Recommendation advised the Court to dismiss the case without prejudice and deny Plaintiff's motion to reconsider as moot. *See* Dkt. No. 10. That Report and Recommendation was eminently reasonable based on the facts before Magistrate Judge Ryu at the time. On January 4, 2019, however, Plaintiff belatedly paid the \$400 filing fee. Dkt. No. 12. Because Plaintiff has now paid the filing fee, the Court declines to adopt Magistrate Judge Ryu's Report and Recommendation to dismiss the case, and finds that the Plaintiff should be permitted to serve the complaint on the Defendants. Plaintiff's motion to reconsider Magistrate Judge Ryu's order denying Plaintiff's IFP request is **DENIED** as moot.

With respect to Plaintiff's motion for reconsideration, the Court finds Judge Freeman's order denying Plaintiff's motion to seal correct, well-reasoned and thorough, and therefore **DENIES** Plaintiff's motion to reconsider.

1 Because she is not proceeding IFP, Plaintiff must comply with Federal Rule of Civil
2 Procedure 4, which requires Plaintiff to file a summons that she then will be responsible for
3 serving on Defendants. Fed. R. Civ. P. 4. Because summons has not yet issued, the case
4 management conference previously set for February 26, 2019 is **CONTINUED** to April 2, 2019 at
5 2:00 p.m. in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA. The Court **DIRECTS** the
6 parties to submit a joint case management statement on or before March 26, 2019.

7 The Court advises Plaintiff that the Legal Help Center at both the San Francisco and
8 Oakland Federal Courthouses provides free information and limited-scope legal advice to pro se
9 litigants in civil cases. Services are provided by appointment only. An appointment may be
10 scheduled by either: (1) signing up in the appointment book located outside the door of
11 the Legal Help Center in San Francisco or Oakland, or (2) calling (415) 782-8982. The Court
12 strongly encourages Plaintiff to take advantage of this resource.

13 **IT IS SO ORDERED.**

14 Dated: 2/14/2019



15 HAYWOOD S. GILLIAM, JR.
16 United States District Judge